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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,695	04/09/2004	Kaoru Masuda	KOBE.0061	8731

7590 10/07/2008
REED SMITH HAZEL & THOMAS
Suite 1400
3110 Fairview Park Drive
Falls Church, VA 22042

EXAMINER

DELCOTTO, GREGORY R

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/820,695</p>	<p>Applicant(s) MASUDA ET AL.</p>	
	<p>Examiner Gregory R. Del Cotto</p>	<p>Art Unit 1796</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not sufficient to overcome the rejection(s) as set forth in the Office action mailed 4/18/08 which have been maintained for the reasons of record. Additionally, Applicant states that various data presented in the instant specification shows that ammonium fluoride and tetramethyl ammonium fluoride are not equivalent materials when used in combination with supercritical carbon dioxide. Specifically, Applicant states that in Experiment 4 of the specification, it is shown that compositions containing ammonium fluoride need a water rinse to remove residue while compositions containing TMAF or TBAF do not need a water rinse step and thus, ammonium fluoride and TMAF or TBAF are not equivalent. In response, note that, the Examiner asserts that this data is not sufficient to show that ammonium fluoride and TMAF or TBAF are not equivalent. The data presented is not commensurate in scope with the claimed invention. For example, the instant claims recite a broad number fluoride additives in any amount while the data presented in Table 5 of the instant specification shows results with respect to only two fluoride compounds in two specific amounts which is not commensurate in scope with the claimed invention. Furthermore, Table 5 shows that ammonium fluoride provided "fair" results which is the same as the "fair" results produced by using TMAF in runs 5 and 6 of Table 5. Additionally, as pointed out by Applicant, the instant specification on page 5 recognizes that the fluoride "may be any fluoride of formula NR₁R₂R₃R₄F where R represents a hydrogen or alkyl group" which clearly indicates that ammonium fluoride and an alkyl fluoride are functional equivalents, in the absence of any persuasive data to show otherwise. Thus, the Examiner asserts that the arguments presented are not sufficient to overcome the rejection(s) as set forth in the Office action mailed 4/18/08.